IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 618 OF 2006

Indrasen Jaywant Jadhav & Anr. ....Applicants.

V/s

State of Maharashtra
Through P.I.,
Chatursingi Police Station,
Pune. ....Respondents.

Mr. Balasaheb Baland holding for Uday Warunjikar for the applicants.
Ms. S.D. Shine, APP for the State.

AND

CRIMINAL APPLICATION NO.514 OF 2006

Mrs. Mangal Rajaram Gawade ...Applicant.

V/s

State of Maharashtra ...Respondent.

Mr. Balasaheb Baland holding for Uday Warunjikar for the applicants.
Ms. Rajeshree M. Gadhvi, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 22nd February, 2006

P.C.:

1. Heard the learned Counsel for the applicants and the learned APP for the State.

2. Since facts in both the above applications are similar, they are being disposed of by this common order.

3. These are appliations for anticipatory bail filed by the applicants who have an apprehension that they are likely to be arrested in connection with C.R. No.18 of 2006 registered at Chatursingi Police Station, Pune. A criminal complaint was lodged at Chatursingi Police Station for the offence punishable under sections 406, 420, 467, 468 read with section 34 of the Indian Penal Code. In the complaint, it is alleged that the accused No.1 promised the complainant that he would secure a job for him in the Maharashtra State Road Transport Corportion (For short "MSRTC") and the accused Santosh accepted the money from the complainant. However, no job was given to the complainant. In this process, the accused Santosh duped number of unemployed youths and misappropriated about 40 to 50 lakhs of rupees. It is alleged that the applicants were also involved in the said conspirary. The applicant Mrs. Mangal Rajaram Gawade who is the sister of accused No.1 Santosh was residing in the same house. Shri Indrasen Jaywant Jadhav, the brother-in-law of the accused No.1 - Santosh, who is residing separately and the applicant No.2 who is brothter of the accused No.1 - Santosh and who is working in the Bank, have filed separate application. It is alleged that monies were paid to the accused

No.1 Santosh and also to the applicant Mrs. Mangal Gawade.

4. It is submitted by the learned Counsel appearing on behalf of the applicants that all the three applicants are not concerned with the activities of accued No.1 - Santosh and the applicant Mrs. Mangal Rajaram Gawade is married sister of accused Santosh who is residing in the said house and that the applicant Indrasen, the brother-in-law of the accused - Santosh, is also residing separately and the applicant No.2, the brother of accused No.1 - Santosh, is having separate employment in the Bank. He submitted that, therefore, in the event of their arrest, they should be released on bail.

5. It is not possible to accept the submissions made by the learned Counsel for the applicants. This is not a fit case for granting anticipatory bail. The complainant has mentioned the names of these applicants in the complaint. Though it is true that the married sister is resding in the house of the accused No.1 - Santosh but that by itself would not be the sufficient ground to show that she is not involved in the said offence. Considering the fact that more than 40 to 50 lakhs of rupees have been

misappropriated by giving false assurance to the young unemployed youths out of which one committed suicide on account of being duped, the offence becomes quite serious and, therefore, the applicants are not entitled to get anticipatory bail. Accordingly, both these applications for anticipatory bail are rejected. However, the parameters for granting anticipatory bail and regular bail are different and in a given case if the Court is satisifed on merits, the applicant may be released on bail. The Trial Court, therefore, if an application for regular bail is made, shall not construe any observations made by this Court in this order while rejecting the anticipatory bail applications as an expression of opinion on merits of the case and may decide the application on its own merits withbout being influenced by the observations made in this order.

6. Both these applications are accordingly disposed of.

V.M. KANADE, J.